



Lamoine Board of Selectmen

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Minutes of August 14, 2014

Chair Gary McFarland called the meeting to order at 7:00 PM

Present were: Selectmen Gary McFarland, S. Josephine Cooper, Bernie Johnson, Nathan Mason; Administrative Assistant Stu Marckoon, Comprehensive Planning Committee members Bob Christie, Brett Jones, Richard McMullen, Bonnie Marckoon, Frederick Stocking, Kathryn Gaianguet; Code Enforcement Officer Michael Jordan, Assessor Jane Fowler, Conservation Commission member Carol Korty, Local Heating Assistance Committee Member Walter Grenier, and members of the public Kathleen Rybarz, Bruce Gillett, Stephen Salisbury, and Catherine deTuede. Transfer Station Attendant Chris Meyer arrived later in the meeting. Selectman Heather Fowler had informed the board that she would be unable to attend the meeting due to her employment.

Agenda Review – Gary said he would prefer to have the entire board present for a gravel ordinance workshop so that item will not take place this evening.

Minutes – Bernie moved to approve the minutes of July 17, 2014. Nathan said there was one minor error and 2nd. **Vote in favor was 4-0.**

Nathan moved to approve the minutes of August 7, 2014 as presented. Bernie 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 3 – Selectmen signed the warrant in the amount of \$7,190.97.

Cash & Budget Report – Nathan asked about the public safety budget figure for FY 2014. Stu reported he had not put the updated budget figure in yet following the special town meeting in July.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation for July 2014.

Commercial Trash Bill – Outstanding – Stu reported that Russell Boynton Jr. had paid the bill through June 30, 2014.

Remote Check Capture – Stu reported that The First has offered a program to supply a machine to scan checks received and deposit them from the town office. He said that will eliminate long waits at the bank to process deposits and there was no charge for the machine. Bonnie Marckoon provided more of an explanation about the machine. Selectmen asked how long the town hall would have to keep the checks on hand. Mrs. Marckoon answered 60-days per bank policy.

Nathan moved to proceed with obtaining the machine. Bernie asked about the cost. Stu said he understood it was free to municipalities. Jo 2nd. **Vote in favor was 4-0.**

Meeting with Comprehensive Planning Committee – Jo asked if the committee has met yet. Stu said this is their initial meeting. Gary said the committee has a lot of work ahead of it.

Jo asked if there were guidelines to go by. Fred Stocking held up a bag full of documents and said they'd received a lot of information from the State of Maine. He said there are several mandatory categories to include in a comprehensive plan. It was noted that members Andrea Ames and Valerie Sprague were unable to attend the meeting.

Nathan asked about help from the state. Mr. Stocking said the state has one person assigned to assisting with comprehensive plans, and the pre-planning committee met with him last year. He said the Hancock County Planning Commission offers services. Stu reported the town is now a member of the Commission.

Kathie Gaianguest said she would support meeting quickly and distributing materials to the committee members. Mr. Stocking said the committee will need help. Ms. Gaianguest said they need to engage the community. Brett Jones said that's required. He said he worked with the Washington County Council of Governments on a comprehensive planning effort and a brief discussion followed.

Mr. Stocking said he had in mind splitting up existing town groups among the committee members and attending their meetings. Jo asked how many mandated areas are required in a plan. Mr. Stocking listed all 13 of them.

Nathan asked if final approval is needed from the state. Mr. Stocking said the state will critique the plan – he said the goal is to meet the state criteria. Ms. Gaianguest said the state has a lot of material as does the planning commission. Mr. Jones said when he sat on the Planning Board, he didn't see many benefits from the Comprehensive Plan. He said he hopes the new version fills the role better.

Stu reminded the committee that agendas need to be posted and meeting minutes kept. He asked that the town office coordinate the posting and minutes. Brett said the historic requirement of the plan is interesting and a brief discussion followed.

The committee adjourned to outside the meeting room to work on a meeting date. It was agreed to meet at the town office on Thursday, September 4, 2014 at 6:30 PM.

Conservation Commission Grant – Gary noted the grant proposal has been withdrawn. Carol Korty said they sent that notice to the Selectmen on Tuesday as promised. She said it ended up as too complicated. Nathan asked about testing water at the University of Maine. Carol said the University no longer pays to be a certified testing entity. She said she did not realize the gravel ordinance required a certified testing lab for water quality tests. She said that was disappointing to hear.

Municipal Review Committee – Stu reported the Municipal Review Committee was looking for letters of support as they search for alternative options for trash disposal by

2018. He said he drafted up a letter to Karen Knuuti at the Maine Department of Environmental Protection supporting the search effort, but not endorsing a landfill. Jo said the letter looked good and moved to sign it. Nathan 2nd. **Vote in favor was 4-0, selectmen signed the letter.**

Flood Maps – Stu reported the information from FEMA on the new flood maps and how to make an appeal has arrived and is on file at the town office. He said there didn't seem to be many big changes. He said that at some point the town will likely have to approve a new ordinance. Michael Jordan said some parts of the ordinance template could be changed, such as raising the lowest floor elevation requirement from 1-foot above flood level to 2-feet. He said that change could have a significant impact on insurance rates.

Letter from Friends of Lamoine – Gary said the letter received at the July Selectmen's meeting contained a lot of questions. He asked whether the board wished to address those this evening or waiting until the full board is present. Bernie said he was unsure how best to handle a response. Jo said it appears the group that wrote wishes to have some information. She said that will take a bit of writing, and there are some references to statute. She said when the board is presented with questions, it should provide information.

Bernie asked if the Board wished to respond to each question and write back. Jo said some of the questions are complex. Bernie said some ask for an opinion and read some of the questions. Jo said it seems like some of the questions actually state opinions.

Gary suggested that each Selectmen provide an answer to the questions and get those to Stu and he will compile an answer. Jo said many of the questions come from an obvious opinion regarding gravel mining. Bernie said that asking a board member to explain a decision is not an unreasonable request.

Request of Planning Board to utilize town attorney – The request came in earlier in the day and was in the materials left for the board prior to this meeting. Bernie asked if the requests were unreasonable. Stu said the first question involves a suit filed against the Town of Lamoine, not the two individuals who were requesting legal advice. He said that the Town Attorney is handling the case and if he needs to have input from the two planning board members referred to in the suit, he most assuredly will be in contact with them. He said if the two were individually named as defendants, the town would likely refer the case to its public officials liability insurance carrier who would assign an attorney for the individuals named.

The other request has to do with appeals under the Site Plan Review Ordinance. Stu said it seemed like a very broad request. Jo asked what it stems from. Stu said he believes it was the recent Board of Appeals case involving a commercial building permit application from Doug Gott & Sons. Bernie said the MacQuinn gravel expansion is now being appealed. Stu said that was correct but the Appeals Board has stayed any action until the matter is determined by the court.

Jo said she was not sure she understands what the question from the Planning Board is. Mr. Jordan said in the Gott matter the town did not get legal representation. He said the chairman of the Planning Board appeared at the Appeals Board hearing instead of an attorney. He said the chair may think that the Appeals Board did not handle things correctly. A brief discussion followed. Gary said he concluded that Planning Board chair Holt felt that the Board of Appeals had not handled the Gott case properly.

Jo said the request from the Planning Board chair is too unclear to make a decision and she needs more information. Nathan said the Selectmen could discuss the request at their next meeting.

Stu recapped that the response from the Selectmen would be that the individual Planning Board members are not named in the suit, the town attorney is handling the MacQuinn case, and if the Planning Board members were named as defendants, the insurance policy should cover them and legal representation. He recapped that the other request was too vague and the Selectmen would like a more detailed request. He asked if the Selectmen would like him to communicate that to the Planning Board. There was agreement that Stu would do so.

Buttermilk Road – culver outlet complaint – Stu reported that resident Virginia Eaton had complained that the outlet of a culvert on Buttermilk Road was washing out her land. He said that she raised a similar complaint 20-years ago when the town replaced an existing culvert at the same location. He said he looked over the land beyond the culvert and found that in addition to the water from culvert, a lot more water flows from different areas into a bowl type area and that has created a gully which drains water from the entire hill. He suggested that blasted ledge might slow down the culvert water and Richard McMullen has put several such devices in the re-formed ditches along Buttermilk Road. Gary moved to authorize the Road Commissioner to have a similar installation at the culvert outlet in question. Nathan 2nd. **Vote in favor was 4-0.**

Resignation from Conservation Commission – Nathan thanked Carol Korty for her 10-years of service on the Conservation Commission. Ms. Korty said it was time for someone else to serve. Bernie asked if anyone had coerced Ms. Korty to resign. Ms. Korty answered that no one had and she had planned to get done when her last term was up last year, but no one was interested in replacing her. She said there are now several people interested. She said she has enjoyed the service.

Nathan moved to accept her resignation. Bernie 2nd. **Vote in favor was 4-0.** Selectmen signed a letter accepting the resignation and thanking Ms. Korty for her service.

Selectmen asked Stu to advertise the opening. Stu reported that Linda Penkalski, a current alternate member, is interested in becoming a full member. Selectmen said they would like to see if others are also interested in serving on the board.

Other Matters – Gary said the Selectmen received an e-mailed message from Steve Salsbury regarding the Planning Board meeting the previous evening. Jo said the

reminder earlier in the evening to the Comprehensive Planning Committee to post agendas ahead of meetings was timely. She said she doesn't doubt the truth of the message, and agendas need to be posted of what will be discussed at public meetings.

Gary said the Planning Board requires materials two weeks in advance from applicants and the same courtesy should be extended by the Planning Board. Bernie asked if there were any enforcement actions taken by the Planning Board. Mr. Salsbury said the Planning Board took a vote in regard to some of the conditions of the recently issued gravel permits and notices of violation which were corrected. He said the Planning Board does not have enforcement power.

Stu said the Planning Board can make a complaint. Mr. Salsbury said that was correct, but the Planning Board took a formal vote. CEO Jordan said the Planning Board action came out of the blue. He said the Planning Board had some information and brought it up, and talked about removing conditions.

Jo said he would be helpful to have both Mr. Salsbury and the Planning Board present to discuss what took place. Nate said he would like to see the meeting minutes. Bernie said the board should not be acting on items that are not on an agenda. Stu noted that he has a fairly broad "other business" item on the Selectmen's agenda to cover emergent actions. A brief discussion followed.

Ms. Gaianguest noted that several items were added to the agenda for this meeting this evening. Stu said they are on the addendum which was posted earlier in the day and on the town's website. Ms. Gaianguest said the Planning Board meeting was just last night. Jo said the concerns are noted and she would like to follow up by reviewing the minutes.

Next Meetings – Gary listed the planned meeting. The next regular meeting will be September 11, 2014 at 7:00 PM.

Executive Session – Nathan moved to enter into executive session pursuant to 1MRSA §405(6)(a) to discuss a personnel matter. Jo 2nd. **Vote in favor was 4-0 at 8:05 PM. Out at 9:00 PM**

There being no further business, the meeting adjourned at 9:01 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen